

UCSB Police Advisory Board Annual Report 2021-2022

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I. PAB Structure and Responsibilities

As part of an effort to improve campus policing, and in response to the UC Presidential Task Force on Universitywide Policing, Chancellor Yang formed UCSB's Police Advisory Board (PAB) in 2019.¹ As it is currently constituted, the PAB consists of two co-chairs and ten members drawn from faculty, staff and students. The PAB is accountable to Chancellor Yang and the campus community and includes two ex-officio members: Chief Alex Yao and Vice-Chancellor Garry MacPherson (see Appendix 1 for a list of current members). Chancellor Yang charged the PAB to "work collaboratively to enhance communication between the police department and the campus community, and to address issues involving the safety and well-being of our students, staff, faculty, and our community."²

Following President Drake's Campus Safety Plan³, the UCSB Police Advisory Board spent much of the 2021/2022 Academic Year planning to transition to a Police Accountability Board. Two functions are central to the board as a Police Accountability Board: First, the Accountability Board independently reviews investigation reports and makes recommendations to the Chief of Police following investigations of complaints from the campus community or general public (also referred to as civilian complaints). Second, both throughout the complaint review and in proactive efforts to evaluate UCSB PD culture department-wide, the Accountability Board reviews UCSB PD policies, procedures, practices, and trainings and makes recommendations when the PAB identifies possible improvements or blind spots. The new Police Accountability Board would continue to include the current Advisory Board's practice of inviting community input in its regular meetings and quarterly Town Hall gatherings.

In preparing for the transition to an Accountability Board, the PAB reviewed the activities of and materials from the following organizations:

[UC Community Safety Plan](#)

[UC Berkeley Independent Advisory Board on Police Accountability and Community Safety](#)

[UC Davis Police Accountability Board](#)

[UC San Diego Community Safety and Security Advisory Committee](#)

[National Association for Civilian Oversight of Law Enforcement](#)

Paying careful attention to the guidelines established in President Drake's Campus Safety Plan, the UCSB, Police Advisory Board held a series of meetings to consider options and models, including Accountability Boards on other UC campuses and NACOLE's detailed guidance on the basic principles relevant for robust civilian oversight.⁴ President Drake's Campus Safety Report instructs campuses to use the UC Davis Police Accountability Board's procedures and policies as a model and standard in developing their own such board. To better understand the basis for this model, the UCSB Police Advisory Board invited representatives from UC Davis' PAB to its meetings to provide input on their experiences, practices and policies. These discussions were especially helpful in understanding the existing statutory framework established

¹ <https://chancellor.ucsb.edu/memos/2019-12-02-police-advisory-board>

² <https://chancellor.ucsb.edu/memos/2019-12-02-police-advisory-board>

³ <https://www.ucop.edu/community-safety-plan/>

⁴ See for example, their introduction to [Civilian Oversight Basics](#), and [Thirteen Principles of Effective Oversight](#).

by the California Legislature's adoption of the [Public Safety Officer Bill of Rights](#) (or POBAR). POBAR establishes significant limits on when and how civilian oversight boards can investigate and discuss complaints of misconduct filed by citizens, as well as on the status of its findings and recommendations. The draft framework adopted by the UCSB Police Advisory Board meets both the guidelines set forth on the Campus Safety Report while acknowledging the legal framework established in POBAR.

In pursuing these core activities, the PAB met monthly beginning in November 2021 and held two campus-wide Town Halls (in Winter and Spring).

II. Summary of Activities

A. Meetings:

The PAB held monthly meetings between November 2021 and June 2022 and will resume this schedule in October 2022 (meetings were held on the following dates: 11/15/2021, 12/13/2021, 01/25/2022, 02/22/2022, 03/15/2022, 04/19/2022, 05/31/2022). The PAB devoted the majority of its meetings developing the policies and frameworks necessary for UCSB to meet the milestone requirements set out in the UCSB Campus Safety Plan.⁵ As part of its core activities, PAB meetings also include a “public comment” period to allow community members to express concerns or register complaints about UCSB PD conduct, the IVFP, or the PAB. In these meetings, community members expressed views on and concerns about policing, primarily in Isla Vista. At the meeting on May 31, Han Koehle, a former student and current staff member, presented their research on policing and mental health crises. This report and its recommendations are included in appendix 2 and are discussed in Section IV below.

B. Community Input:

In accordance with Chancellor Yang's charge, the PAB has sought input from community members regarding areas of concern for campus safety. The PAB shares the view that “All members of the UC community should feel valued, welcomed and free from any threat of physical, psychological or emotional harm. Our campus safety system must reflect the needs and values of a diverse campus community including those vulnerable to harm.”⁶ As part of its effort to understand areas of concern for the UCSB community, the PAB continues to seek input from a variety of sources. The PAB is committed to providing regular opportunities for community members to share their complaints, views, and experiences. In addition to its regular meetings, the PAB held two campus-wide Town Hall meetings, has invited input from the Associated Students Executive Officers. In addition, Vice Chancellor for Diversity, Equity and Inclusion, Belinda Robnett, shared the findings regarding policing from the Campus Climate Survey her office conducted in Spring 2021. The data from this survey were analyzed by Institutional Research, Planning, & Assessment in the Office of Budget and Planning, and are included as an appendix below.

⁵ <https://www.ucop.edu/community-safety-plan/index.html - part2>

⁶ Presidential Safety Plan Draft for Distribution, June 3, 2021, pg. 2

B.1 Town Hall Meetings

The PAB hosted Chief Yao and Vice-Chancellor Garry MacPherson for two campus-wide Town Hall Meetings (03/15/2022, 04/19/2022). These meetings were intended to invite community members to share their questions and concerns about the shift to a Police Accountability Board and about policing and campus safety more broadly. Both meetings were sparsely attended by the campus community. These meetings are part of a long-term, ongoing effort initiated by campus leadership, the Police Advisory Board, and Chief Yao to develop a new relationship between campus safety agencies and the campus communities they serve. Despite the sparse attendance, both meetings included robust discussions of the proposed transition to a Police Accountability Board.

The PAB also committed to working with concerned community members, Chief Yao, and campus leadership hearing, fully understanding and responding to the concerns of community members. Many of the issues raised by community members reflect a long history, with roots and experiences that may extend beyond the bounds of our campus community. Addressing these matters will take a sustained effort by all stakeholders, campus leaders, and the UCSB PD. To facilitate this effort, PAB and stakeholder communities are committed to organizing an ongoing series of events and venues for feedback regarding past and current harms experienced by students of color, underrepresented, non-traditional, and marginalized communities, particularly Black, Latinx, and LGBTQIA+ students. The PAB is committed to hearing, understanding, and registering the impact of these experiences as a crucial first step in working with campus leadership to develop a campus-wide response aimed at promoting reconciliation and establishing a greater sense of physical and psychological safety and community belonging among campus stakeholders.

C. Draft Police Accountability Board Policies and Guidelines

Prefatory Note: In composing this document, the UCSB PAB has relied on text adopted by the UC Davis PAB. We have adjusted or edited this text in various places to accommodate campus specific processes, aims, or offices. The resulting document nevertheless retains references to the UC Davis Office of Compliance. Per a pending agreement, this office will investigate complaints and compose reports for PABs throughout the UC system.

In adapting the policies and language of the UCD PAB to UCSB, we have had to replace references to officers, agencies, organizations, websites, or phone numbers with placeholders. These are designated by the use of bracketed text (e.g., **[text]** in bold) to make them easier to identify. Determining which agencies, officers, etc. should be referred to in these placeholders will need require action either by the UCSB Office of Administrative Services (e.g., where there is a reference to a campus office, agency, or officer) or PAB (e.g., where the items refer to the composition of the PAB, its website, etc.). For example, the document proposes a board composed of nine (9) representatives to be chosen from a range of campus communities and organizations. The final determination of the PAB's size and composition should be determined by the incoming chairs and committee members.

Draft Policies and Guidelines:

What is the UCSB PAB?

The **UC Santa Barbara Police Accountability Board (PAB)** develops and promotes accountability, trust and communication between the campus community and the UC Santa Barbara Police Department. The PAB is an independent accountability board composed of students, staff and faculty from the UC Santa Barbara community. Two functions are central to the PAB's work. First, the PAB independently reviews investigation reports and makes recommendations to the Chief of Police following investigations of complaints from the campus community or general public (also referred to as civilian complaints). Second, both over the course of complaint review and in proactive efforts to evaluate UCSB PD culture department-wide, the PAB reviews UCSB PD policies, procedures, practices and trainings and makes recommendations when the PAB identifies possible improvements or blind spots. The PAB also solicits public input during open meetings. The PAB is committed to a fair and unbiased approach throughout its work.

Who can file a complaint?

Any person directly affected by UC Santa Barbara police misconduct may file a complaint. You do not need to be a UC Santa Barbara student, staff or faculty member, or a U.S. citizen, to file a complaint. Anonymous complaints are accepted.

Examples of complaints

- Improper arrest, search, seizure or stop
- Improper or inadequate investigation
- Improper detention procedure
- Improper police procedures
- Excessive force
- Discrimination
- Harassment
- Discourtesy

Why should I file a complaint with the PAB?

The PAB is staffed by University students and employees who are independent from the Police Department. Complaints from the community are important to us. Without such input from community members, the University may not be aware of police misconduct and cannot take steps to address it. All complaints will receive a fair and objective review. Complaints are received, reviewed and investigated by UC Davis Office of Compliance. Investigation reports are then forwarded to the UCSB Police Accountability Board for independent review, and their recommendations are sent to the UC Santa Barbara Chief of Police.

PAB Representatives and Administrative Advisory Group

Representatives from the campus community should be selected to staff the PAB. Using the methods identified below for nominating and selecting such members (in Article 4), the UCSB PAB shall be composed of nine (8) persons chosen from the following communities or organizations:

[Academic Senate = 2 Representatives]

[Associated Students = 2 Representatives]

[Graduate Student Association= 2 Representatives]

[Staff Assemblies = 2 Representatives]

PAB By laws

ARTICLE 1 – NAME AND PURPOSE

The UCSB Police Advisory Board was initially established in 2019 by Chancellor Yang, who charged the PAB to “work collaboratively to enhance communication between the police department and the campus community, and to address issues involving the safety and well-being of our students, staff, faculty, and our community.” Following UC President Drake’s campus safety plan, UCSB transitioned to a Police Accountability Board (PAB) in 2022. In keeping with the aim the campus safety aims advanced by Chancellor Yang and President Drake, the purpose of the PAB is to promote accountability, trust, and communication between the University of California, Santa Barbara (UCSB) community and the UCSB Police Department (UCSB PD) by independently reviewing and making recommendations regarding investigations of complaints made by members of the campus community and the general public (also referred to as civilian complaints) in a fair and unbiased manner. As part of these activities, the PAB is committed to assessing and evaluating the needs and concerns related to community safety, quality of life, and equity of experience among students, staff, and faculty at UCSB in order to identify needed changes in community safety resources to ensure equity in community safety.

ARTICLE 2 – QUALIFICATIONS

PAB members and alternates must: (1) commit the necessary time throughout the year for PAB training and meetings; (2) prepare and read the appropriate materials in connection with making recommendations; and (3) maintain ethical standards, including confidentiality. Other than mandatory quarterly meetings, alternates need not attend meetings or review investigation materials if the PAB member will be in attendance.

In order to ensure independence, no member or alternate of the PAB can be a current or former UC Santa Barbara Police Department employee, or a current employee of Campus Counsel or the Compliance and Policy Unit of the Offices of the Chancellor.

ARTICLE 3 – COMPOSITION

The PAB shall be comprised of eight (8) members who broadly represent the diversity of the UCSB community. The PAB shall include:

- Two (2) undergraduate students;
- Two (2) graduate students;
- Two (2) faculty members;
- Two (2) staff members;

The following entities may submit nominations for representation on the PAB:

- Academic Senate (2 members)
- Associated Students of UCSB (2 members)
- Graduate Student Association (2 members)
- Staff Assemblies (2 members)

ARTICLE 4 – NOMINATIONS, SELECTION AND ALTERNATES

The entities identified in Article 3 may nominate a representative to the PAB, utilizing each entity’s respective nomination process. Each entity will provide at least two (2) nominees. The Chancellor will select one (1) PAB representative and one (1) alternate from the entities’ nominees, which will result in four (4) PAB members and four (4) alternates and maintain the composition identified above. All eight (8) representatives will participate in training and each can have access to the confidential investigation reports and attend meetings.

ARTICLE 5 – TERMS

Initially, the inaugural PAB members and alternates served two- (2) year terms. In order to maintain institutional knowledge at the conclusion of the initial two- (2) year term, some members’ and alternates’ terms will be extended, and former alternates will be given the opportunity to serve as members. Beginning in 2025, new members and alternates generally serve two (2) year terms except in circumstances where the member or alternate will not be a qualifying representative of his or her entity for the entire term. For example, a senior graduating mid-term or a faculty member retiring mid-term would not be eligible to serve for the entire two- (2) year term. To the extent possible, after the first year of the term, members will become alternates and alternates will become members, thereby allowing full participation on the PAB during the two-year term.

The UCSB Leadership shall designate an administering body that will work with the various entities to maintain both a member and an alternate representative and develop a pipeline of candidates in the event that a member or alternate can no longer serve on the PAB.

ARTICLE 6 – OFFICERS

As needed, the PAB shall elect one (1) of its members as the Chairperson and one (1) as the Vice-Chairperson (who shall preside only in the Chairperson’s absence). Officers shall be elected annually and hold office for one (1) year terms. Officers, however, may be reelected to serve consecutive terms.

ARTICLE 7 – ETHICS

The PAB will be governed by the attached Code of Ethics, which is modeled on the Code of Ethics developed by the National Association for Civilian Oversight of Law Enforcement (NACOLE).

ARTICLE 8 – REMOVAL

The appointment of any PAB member who has been absent from three (3) consecutive regular or special meetings shall automatically terminate effective on the third such absence.

Any breach of the PAB's Code of Ethics will be cause for review. The EVC of Campus Administrative Services may remove a PAB member or alternate for cause, including transgressions of policy, confidentiality, or ethical standards.

ARTICLE 9 – QUORUM AND VOTING

Five (5) members physically present shall constitute a meeting quorum. Decisions of the PAB shall be made by vote of a majority of the members in attendance provided that a quorum exists. Alternates will only participate and vote in meetings when the PAB member representing their entity is absent.

ARTICLE 10 – RECUSAL

PAB members must recuse themselves from a matter when (1) an actual conflict of interest exists; (2) there is an appearance of impropriety; or (3) a member is concerned with whether he or she can participate objectively and in an unbiased manner.

ARTICLE 11 – TRAINING AND CONFIDENTIALITY COMMITMENTS

PAB members and alternates shall receive training developed by the Office of Administrative Services regarding police procedures, relevant legal issues, impartiality, the confidential nature of police misconduct investigations and discipline, and the civilian oversight field. PAB members will also have the opportunity to accompany members of the UCSB PD on a ride along. Each member shall execute a confidentiality agreement.

ARTICLE 12 – PAB POWERS AND DUTIES

The PAB will:

1. Review relevant UCSB PD policies and procedures and all investigation reports submitted regarding complaints made by members of campus community and the general public against the UCSB PD. The PAB will not review any complaints filed by UCSB PD employees.
2. Solicit public input by holding regularly scheduled and advertised meetings at least quarterly, which shall include time for public comment. Additional meetings shall be scheduled on an as-needed basis.
3. Run its meetings utilizing Roberts Rules of Order as a guide.
4. Review and deliberate in closed session, consistent with applicable law, to protect the confidential nature of the complaints and investigation reports.
5. Submit advisory recommendations to the Chief of Police regarding (1) UCSB PD policies and procedures/training and (2) the findings of investigation reports. The PAB may also solicit progress reports from the Chief of Police regarding policy and training recommendations. The Chief of Police, however, retains full and final authority, discretion, and responsibility regarding the ultimate disposition of the matter, including disciplinary determinations and whether to accept, reject or modify the PAB's recommendations.
6. Prepare an annual public report for the UCSB community and the public as detailed further in Article 13.

ARTICLE 13 – REPORTING

In the interests of transparency and accountability, and in conformity with Penal Code section 832.7, the PAB shall issue an annual, public report detailing summary information and statistical data regarding the number of complaints filed, the type of complaints filed, analysis of trends or patterns, the ultimate disposition of the complaints (sustained, not sustained, exonerated or unfounded) and the percentage of complaints in which the recommendations of the PAB were either accepted, rejected or modified by the Chief of Police.

ARTICLE 14 – AMENDMENT

After consultation with the PAB, these bylaws and any amendments or supplements thereto may be adopted, amended, altered, supplemented or repealed by UCSB.

CODE OF ETHICS

Introduction

Members of civilian oversight groups have a unique role as public servants reviewing law enforcement agencies. The community entrusts us to conduct our work in a professional, fair and impartial manner. We earn this trust through a firm commitment to the public good, our mission, and to the ethical and professional standards described below. The University of California, Santa Barbara, Police Accountability Board shall operate in accordance with the following code:

Personal Integrity

Demonstrate the highest standards of personal integrity, commitment to truthfulness, and dedication to building trust by our stakeholders. Avoid conflicts of interest. Conduct ourselves in a fair and impartial manner and recuse ourselves when conflicts of interest arise. Do not accept gifts, gratuities or favors that could compromise our impartiality and independence.

Independent and Thorough Review

Conduct reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Test the accuracy and reliability of information from all sources. Review facts and present recommendations without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality

Conduct reviews openly and transparently and report out. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination.

Outreach and Relationships with Stakeholders

Pursue open, candid and non-defensive dialogue with stakeholders during public meetings with an eye toward educating and learning from the community.

Agency Self-Examination and Commitment to Policy Review

Seek improvement in the effectiveness of our board, the UCSB PD, and our relations with the communities we serve. Evaluate and analyze work product. Emphasize policy review and reform that advance UCSB law enforcement accountability and performance.

Professional Excellence

Strive to acquire knowledge and understanding of the policies, procedures and practices of the UCSB PD. Keep informed of current legal, professional and social issues that affect the UCSB community, the UCSB PD and our board.

Primary Obligation to the Community

At all times, place our obligation to the community, duty to uphold the law and to the goals and objectives of the board above our personal self-interest.

UCSB PAB PROCEDURES

I. Introduction

It is the intent of the University of California, Santa Barbara (UCSB) to develop and promote accountability, trust, and communication between the campus, Goleta, and Isla Vista communities and the UCSB Police Department (UCSB PD). To that end, UCSB established a Police Accountability Board (PAB) to impartially review investigative reports related to allegations of police misconduct and make recommendations in a timely manner regarding complaints filed by members of the public against the UCSB PD. UCSB encourages its community and the public to bring forward such complaints. Through various public forums, the PAB also solicits information and input from the public and its constituent groups. The PAB may also make policy, procedure and training recommendations.

Consistent with Penal Code sections 832.5 *et seq*, UCSB has established a procedure to investigate complaints made by the public against the UCSB PD and its officers. While the complaint process is detailed in UCSB PD's Policy 1020, much of that process is also described in the PAB's Procedures to ensure that PAB members and alternates understand the process generally, as well as their specific role. The complaint procedure involves the UC Davis Office of Compliance who will generally provide administrative support and investigatory personnel, the UCSB PAB who will review the investigatory reports and make findings and recommendations to the Chief of the UCSB PD, and the Chief who will make the final determination with respect to each complaint. The Chief will ensure cooperation of the UCSB PD with all investigations.

The PAB will produce an annual report auditing and identifying summary information and statistical data regarding the number and types of complaints received, analysis of trends or patterns, the disposition of those complaints and the percentage of complaints in which the recommendations of the PAB were either accepted, rejected or modified by the Chief of Police. In addition, the PAB may report on other matters, such as policy, procedure or training recommendations.

II. Police Accountability Board Bylaws

The PAB Bylaws govern the following subjects:

- The purpose of the PAB;
- PAB member qualifications;
- Composition of the PAB;
- The nomination, selection and alternate process;
- Terms;
- Officers;
- Ethics;
- Removal of board members;
- Quorum and majority vote;
- Recusal;
- Training and confidentiality commitments;
- Powers and duties;
- Reporting; and
- Bylaw amendment.

III. Complaint Intake Procedures

A. Nature of Complaint

UCSB students, faculty and staff, as well as members of the general public, have the right to lodge complaints against the UCSB PD or its officers if they believe misconduct or infraction of rules, policy or law (e.g., excessive force, false arrest, false imprisonment, abusive language, harassment/discrimination, etc.) has occurred. These complaints are referred to as “Personnel Complaints” and are divided into two categories: (1) Member of the Public or Civilian Complaints and (2) Internal Complaints. The UC Davis Office of Compliance will investigate Member of the Public or Civilian complaints. The UCSB PAB will review the investigation reports and findings and make recommendations to the UCSB PD Chief. In the event that a civilian complaint is submitted against the UCSB PD Chief, the PAB will make its recommendations to the immediate supervisor of the Chief of Police.

The UC Davis Office of Compliance will not investigate Internal Complaints filed by UCSB PD officers or other personnel. These complaints will be handled internally by the Professional Standards Unit (PSU). The PAB will not review PSU investigatory reports regarding Internal Complaints. Complaints received regarding another law enforcement agency (e.g., City of Santa Barbara Police Department) will be referred to that agency.

B. Filing Locations

A member of the campus community or general public may file a complaint by:

1. Accessing and submitting a complaint form online at <https://www.police.ucsb.edu/contact-us/commendations-complaints>
2. Faxing a completed complaint form to (805) 893-8569;
3. E-mailing a completed complaint form to Lt. Matt Bowman - Matt.Bowman@police.ucsb.edu or Chief Alex Yao - Alex.Yao@police.ucsb.edu
4. Submitting a completed complaint form to the UCSB Police Department at Public Safety Bldg 574, Santa Barbara, CA, 93106.

A current copy of the complaint form can be found [here](#). The Chancellor or the Chief of Police may also refer issues to the Office of Compliance for investigation and the PAB for review and recommendation.

C. Filing Deadline

The prompt filing of complaints is strongly encouraged, as it provides the best opportunity for thorough and timely investigation. Complaints shall be filed in writing no later than one hundred and eighty (180) days following the date of the alleged misconduct or infraction, except that the filing period shall be tolled when a complainant is incapacitated and unable to file.

D. Complaint Information

The complaint form should include:

- Contact information for the complainant;
- A detailed narrative, including:
 - the nature of the complaint;
 - the timing of the alleged misconduct;
 - any injuries resulting from the alleged misconduct;
 - a description of the alleged misconduct; and
 - the signature of the complainant.

The complainant will be provided with a copy of his or her complaint and any statement at the time the complaint is filed. All complaints filed by a member of the public with the UC Santa Barbara Police Department (UCSB PD) will be forwarded to the UC Davis Office of Compliance within two (2) business days.

E. Anonymous Complaints

Anonymous complaints made by a member of the public will be accepted and may be investigated depending upon the sufficiency of the information provided. Anonymous complaints should provide as much detail as possible in order to enable appropriate review and investigation.

F. Sharing of Complaints

Any complaint received by the UCSB PD will be shared with the UC Davis Office of Compliance for review and processing within two (2) business days. Any complaint received by the [UCSB Designated office] will be shared with the Chief of Police, also within two (2) business days. At least monthly, the [UCSB Designated office] will report to the PAB on any complaints that have been received since the previous monthly report was forwarded to the PAB by the UC Davis Office of Compliance.

If, through the intake process (or subsequently during the investigation) additional allegations surface that were not contained in the original complaint but relate to the original complaint, the additional allegations being investigated by the Office of Compliance will be forwarded to the Chief of Police.

G. Early Resolution of Complaints

At the time of filing a complaint in person at the Police Department, when an uninvolved supervisor or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied that his or her complaint required nothing more than an explanation regarding the proper implementation of department policy, procedure or law, the complaint shall be labelled “Resolved” and forwarded to the Office of Compliance within two (2) business days. The Office of Compliance will follow-up with the complainant to confirm that he or she is satisfied with the early resolution.

H. Initial Determination and Information Gathering by Chief Compliance Officer

All complaints made by members of the public will be logged by the **[Designated]** Officer or designee. A confidential file will be established for each complaint received and access restricted to the Office of Compliance. These files will be stored in a secure location and maintained for at least five (5) years. The **[Designated]** Officer/designee will evaluate each complaint for information necessary to conduct an investigation and proceed as follows:

1. If additional information is needed, the **[Designated]** Officer/designee will request additional information from the complainant to the extent that the identity of the complainant is known. If the complainant is anonymous and there is insufficient information to warrant conducting an investigation, the **[Designated]** Officer /designee will close the file and no investigation shall be conducted.
2. If the Chief Compliance Officer/designee determines that the complaint is untimely, there is insufficient information to conduct an investigation, the allegations themselves demonstrate on their face that the acts complained of were proper, or the nature of the complaint is not suitable for investigation and review by the PAB, the **[Designated]** Officer /designee will notify the complainant, the Chief of Police and the PAB of the disposition in writing citing the specific reasons for the determining that the complaint will not be investigated.
3. If the **[Designated]** Officer /designee determines there is sufficient information and cause to investigate, they will assign the complaint to an investigator to initiate an investigation and notify the complainant, the Chief of Police and the PAB in writing of the complaint’s referral to investigation.

IV. Complaint Investigation Procedures

A. General

Whether conducted by the UC Davis Office of Compliance or an outside investigator jointly selected by the UC Davis Office of Compliance and the UCSB PD Chief of Police, the following procedures shall govern the investigation process, which include complying with the Public Safety Officers Procedural Bill of Rights (POBR) at Government Code section 3300 *et seq.* To the extent that there is any inconsistency between these Procedures and POBR, POBR controls. A current copy of the POBR can be found [here](#).

1. The Chief of Police will be the investigator’s point of contact for purposes of gaining access to UCSB PD information, documentation, and personnel. In this role, the Chief will ensure necessary access to officer, information, and documentation needed to conduct a thorough and timely investigation. The investigator will have access to any

and all UCSB PD information the investigator or the PAB deems relevant to the complaint, including access to the UCSB PD's electronic files.

2. The investigation of a complaint shall consist of conducting interviews with the complainant, the subject officer(s), and any witnesses, collecting relevant evidence, including, but not limited to, UCSB PD reports and records, photographs, video, and audio records. Interviews with subject officer(s) will be recorded, as will other interviews to the extent that the complainant and witnesses agree. Subject officers may also record the interview and if he or she has been previously interviewed, a copy of that recorded interview shall be provided to him or her prior to any subsequent interview. (Government Code section 3303(g)).
3. Officers shall be provided with reasonable notice prior to being interviewed and interviews of accused peace officers shall be conducted during reasonable hours. (Government Code section 3303(a)).
4. If the peace officer is off duty, he or she will be compensated for the interview time. (Government Code section 3303(a)).
5. No more than two (2) interviewers may ask questions of an accused peace officer. (Government Code section 3303(b)).
6. Prior to any interview, the peace officer will be informed of the nature of the investigation. (Government Code section 3303(c)).
7. All interviews will be for a reasonable period and the peace officer's personal needs will be accommodated during the interview. (Government Code section 3303(d)).
8. No peace officer shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. (Government Code § 3303(e)).
9. Peace officers shall be informed of their constitutional rights irrespective of whether the subject officer may be charged with a criminal offense. (Government Code § 3303(h))
10. Peace officers subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. (Government Code § 3303(i)).
11. All peace officers shall provide complete and truthful responses to questions posed during interviews. Failure to do so will result in discipline, up to and including termination of employment.
12. No peace officer shall be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation. (Government Code § 3307).
13. Interviews should be conducted with minimal interference to police operations and in conformity with the POBR. Any documentary evidence received during the investigation by the investigator will be included in the investigative file even if the investigator determines the document later to be irrelevant to the investigation.
14. If there is pending criminal prosecution regarding the same operative facts and circumstances surrounding the complaint, the investigation will be stayed until criminal proceedings are concluded.
15. If an investigation is stayed, all documents and information under UCSB PD's control related to the incident in question will be preserved and maintained by the Chief of Police during the pendency of the stay to ensure no evidence is destroyed.

16. Barring mitigating factors, the investigation should be completed and an investigation report submitted to the PAB within ninety (90) days of it being assigned to an investigator, unless an extension is authorized by the UC Davis Office of Compliance upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The UC Davis Office of Compliance will provide notification of the extension of time to the Chief of Police and the complainant.
17. All investigation reports of complaints made by members of the public shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than involved employee or authorized personnel except pursuant to lawful process.
18. In the event that the alleged accused peace officer or representative knowingly makes a false representation regarding any investigation or discipline publicly, the UCSB PD may release factual information concerning the disciplinary investigation. (Penal Code section 832.7(d)).
19. Complaints and any report or finding relating to the complaint shall be retained for a period of at least five (5) years. (Penal Code section 832.5(b)).

B. Investigation Reports and PAB Review Procedures

1. Report Format

The investigator shall provide a confidential report to the PAB that is redacted and does not identify the individuals involved. The Chief of Police will receive an unredacted version of the investigation report. Both reports will include:

- An Introduction;
- A Summary of Allegations (including applicable policies);
- Evidence Regarding Each Allegation (including comprehensive summaries of interviews or statements and identification of relevant documentary and electronic evidence);
- Conclusions and Findings; and
- Exhibit Listing.

2. Findings

The investigator's report, based upon a preponderance of the evidence, should include one or more of the following findings in response to each of the allegations made by the complainant. The "preponderance of the evidence" standard is met when it appears more likely than not the allegations of misconduct occurred as described.

Unfounded – When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints that are determined to be frivolous will be treated as unfounded (Code of Civil Procedure section 128.5 and Penal Code section 832.5(c)).

Exonerated - The evidence supports a finding that the alleged acts occurred; however, the conduct was justified, lawful or proper.

Not Sustained - The evidence is insufficient to support a finding that the alleged conduct occurred or violated department policy or procedure.

Sustained – The evidence supports a finding that the alleged conduct occurred and that the conduct was improper (e.g., violated department policy or procedure).

3. PAB Review and Recommendation(s)

In closed session, the PAB (both members and alternates in attendance) will collectively review the investigative report(s). PAB members and only alternates in attendance whose entity's PAB member is absent will vote on its recommendations to either adopt, amend, or reject the investigator's findings. Hard copies of reports or on-line access via a password protected website to the reports will be made available prior to the closed session.

The PAB has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB.

In addition to its recommendations with respect to whether the investigator's findings are sustained, the PAB may also recommend a wide spectrum of actions to the Chief of Police, including, for example, modifying policies or training. The PAB, however, will not recommend a particular level of discipline or a specific corrective action, as the Chief of Police retains the responsibility of and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint investigation or from a general policy review and analysis.

The PAB's recommendations regarding the investigative findings shall be in writing and, through the Office of Compliance, forwarded to the Chief of Police within one (1) week after the PAB has voted in closed session.

The PAB may also solicit progress reports from the Chief of Police regarding policy and training recommendations.

C. Role of Chief of Police and Ultimate Record Keeping

During the course of an investigation, and prior to making a final determination, the Chief of Police may ask for additional investigation. Ultimately, the Chief may adopt all, part, or none of the PAB's recommendations and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations. Within thirty (30) days of the final review and determination by the Chief of Police, written notice of the finding will be sent to the complaining party and to the PAB through the Office of Compliance. This notice shall indicate the findings, but will not disclose the amount of discipline, if any, is imposed. The complainant will also be provided with a copy of his or her original complaint if one has not already been provided. Upon final determination, all information and documents related to the underlying complaint shall be consolidated and maintained by the UCSB PD.

Any complaining party who is not satisfied with the Chief of Police's ultimate disposition of the complaint may contact the Chief of Police to discuss the matter further.

V. Annual Reporting Procedures

The complaint and PAB review processes are subject to annual audit, review and reporting. The PAB will submit an audit and analysis of complaints directly to the UCSB PD Chief of Police each year. The PAB's annual public report will include the following information:

1. Total number of complaints filed;
2. Types of complaints filed and analysis of trends or patterns;

3. Disposition of complaints (e.g., not investigated, sustained, not sustained, exonerated, or unfounded);
4. Percentage of complaints in which the Chief of Police accepted, rejected or modified the PAB's findings; and
5. Policy, procedure and training recommendations.

The PAB's report shall be made available to members of the public at their request and shall be maintained online at [UCSB PAB Website]

IV. Recommendations and Actions Items

A. Completing and approving the Police Accountability Board Policies and Guidelines

The preceding section includes detailed policies and guidelines for establishing the UCSB Police Accountability Board and organizing its meetings and activities. This is only a draft, however. The incoming board is encouraged to consider its features and make whatever adjustments, additions, or deletions they deem warranted. While the incoming board can make whatever changes it sees fit, we invite special consideration to the following issues:

1. Board Membership. We see three issues relating to Board Membership as warranting additional discussion:

First, how should the PAB be composed? The proposal above establishes a relatively balanced board membership, though it gives slightly more weight to student input. Our adoption of this policy reflects the guidelines established by NOCAR, which observe that “Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals.”⁷

Second, how should the board attend to diversity, equity, and inclusion issues in board membership? For example, should the board be organized to include specific provisions to designate basic levels of representation by students, staff, and faculty from underrepresented, non-traditional, and marginalized communities, and particularly Black, Latinx, and LGBTQIA+ communities, that may be especially impacted by policing practices?

Third, how will proposed appointments to the PAB be vetted, approved, and trained? In the model adopted by UC Davis, community-based entities (e.g., Associated Students, Staff Assembly, the Academic Senate, and so on) nominate candidate representatives to the PAB that are then vetted (e.g., to avoid possible conflicts of interest) and trained by the administrative office that oversees the PAB. What criteria should be used to approve or exclude proposed nominees? And what sort of training should board members and alternates who are approved receive in anticipation of their service on the board?

2. Community Involvement: In the three years the PAB has been active at UCSB, we have observed considerable variation in the community's involvement and participation in its

⁷ In the [National Association for Civilian Oversight of Law Enforcement guide, Thirteen Principles of Effective Oversight](#), see especially the section on “Community Involvement”.

activities. When issues regarding policing are covered prominently in the news or the campus has (or has not) adopted new guidelines for community members, the PAB enjoyed broad, active involvement in its activities. However, when these items fade from view, participation wanes. For the PAB to succeed, it will need to establish a strong, ongoing baseline of community involvement.

A. Community Engagement

The PAB is committed to providing open channels of communication between the campus community and UCSB PD. We have already adopted several practices to encourage community engagement as part of this commitment. As noted above, the PAB devotes part of each meeting to hearing from community members regarding their concerns; we have also established regular Town Hall meetings for the campus to come together to discuss community safety issues and concerns regarding the PAB and the UCSB PD. In addition, the PAB has discussed developing several other ways for community members to share experiences, concerns, and complaints regarding these matters. These include an anonymous portal (whether developed by UCSB or a systemwide agency) for reporting concerns and complaints; establishing regular meetings (perhaps quarterly) for the PAB to meet with Associated Students Executive Council, as well as regular meetings or consultation with student groups, especially those who may be most affected by or have an interest in UCSB PD. Based on student input, we anticipate that some groups may not wish to share experiences as prior efforts have led them to be skeptical of how and whether the campus will respond to their concerns. Some student groups have indicated that they would prefer to have their own meetings and have a representative report the upshot of these meetings to the PAB. The PAB welcomes all forms of participation and all views regarding police and policing.

In addition to community input that can be provided via meetings, anonymous reports, and community surveys, we also anticipate that community members will be provided the opportunity to give feedback on individual encounters, and these data will be used as the basis for continuous improvement (as detailed in the Presidential Campus Safety Plan). The PAB will seek and review this data as part of its effort to provide regular feedback on community members' experiences and expectations.

B. Santa Barbara Sheriff's Department and the IV Foot Patrol

The relationship between UCSB and the Santa Barbara Sheriff's Department codified in a regularly updated Memorandum of Understanding that delineates the relationship between the UCSB PD (including UCSB's how much UCSB contributes to the budget of the IVFP) and permits PD members to patrol Isla Vista under the leadership of IVFP. In meetings and Townhall fora, this relationship and particularly the conduct of Sheriff's deputies who serve on the IVFP, were a frequent source of concern and complaints by students, staff, and faculty.

Moving forward, the PAB should seek to establish a relationship with the command staff of the IVFP and invite their participation in public fora in which community members can pose questions and raise concerns or offer suggestions. The UCSB community views Isla Vista as a

crucial part of campus life, and therefore the PAB should develop a relationship with the IVFP as a mechanism for sharing campus views regarding campus safety and expectations for policing.

C. Mental Health

The draft Presidential Campus Safety plan released in June 2021 emphasizes a holistic approach to campus safety and wellness. In describing this approach, the proposed plan states the campus “will deliberately integrate campus policing with mental health, wellness, basic needs, bias/hate response, and other services through inter-departmental partnerships and cross-trainings. Multi-disciplinary crisis teams will triage behavioral health crises, conduct wellness checks, and safely connect individuals to coordinated care, including health and social support resources.” This language is largely consistent with the view reported by UCSB’s Mental Health Working Group in their ongoing participation in the PAB’s regular meetings. Drawing on the deep expertise organized by UCSB’s Mental Health Working Group, the PAB should continue to serve as a venue for advancing collaboration on public safety, wellness, and equity.

- Working with campus service agencies to develop and implement UCSB’s tiered response system. This new model would enable mental health professionals to respond to on-campus mental health calls whenever possible and enable co-response teams when the level of threat or context of a call requires police involvement.
- Developing campus and community-wide policies to promote non-coercive responses by mental health professionals to emergency mental health calls on campus.
- Seeking to reduce the use of involuntary hospitalizations via changes to the agreement between the Santa Barbara Sheriff’s Office and the County Department of Mental Health. These can be replaced or augmented with informal methods to provide better support and resources to students. See the reports, *Confronting the Punishment of Psychosocial Disability in a University Setting* and *What Happens in Involuntary Psych Holds* (included in Appendices 2b and 2c) for especially thoughtful discussions of these concerns.

In its meetings, the PAB endorsed the proposals advanced by the Mental Health Working Group and will continue to work closely with this group in developing policies and coordinating with UCSB PD and Santa Barbara Sheriff’s Department. In addition, PAB members expressed appreciation for the issues raised by Johann S Koehle’s compelling and thought-provoking report to the committee and encourages the PAB to attend closely to the issues and concerns raised in their reports (Appendices 2b ad 2c).

In addition, the PAB should continue to work with other campus agencies, including the UCSB Alcohol and Drug Program and their “Just call 911” campaign. This campaign seeks to educate campus community members regarding how, in the case of drug or alcohol overdose, calling 911 can save lives. This program has thoughtfully considered the factors that may lead community members to delay or resist calling for help, including fear of how they may be implicated or held responsible for drug and alcohol consumption, prior experiences with local or other police agencies, and other matters. The outstanding leadership and staff of UCSB Alcohol and Drug Program bring a wealth of practical, local knowledge of the ways that students and other

community members understand and respond to service agencies. The PAB encourages continued collaboration with the “Just Cal 911” program and expressed the view that the broader efforts of the Alcohol and Drug Program should be part of the holistic response to community mental health envisioned in the Presidential Safety plan.

Appendices:

Appendix 1: Board Membership 2021-2022

Chris McAuley, Co-Chair; Professor, Black Studies;
Geoffrey Raymond, Co-Chair; Chair and Professor, Sociology and Linguistics
Katya Armistead, Assistant Vice Chancellor and Dean of Student Life
Kelly Barsky, Deputy Director of Intercollegiate Athletics
Richelle De Los Santos, Staff representative
Richard Duran, Professor, Education
Howard Giles, Professor, Department of Communication
Melissa Martinez, Administrative Assistant
Ram Seshadri, Professor, Materials
Shva Star, Associated Students representative
Shannon Sweeney, Associated Students representative
Jordan Tudisco, Graduate Student representative

Appendix 2: Reports and Recommendations

2a. A summary of the campus community’s experiences and perceptions of UCSB Campus Police. See attached document.

2b. Confronting the Punishment of Psychosocial Disability in a University Setting, A Report Submitted by Johann S Koehle. See attached document.

2c. What Happens in Involuntary Psych Holds, A Report Submitted by Johann S Koehle. See attached document.